

Page 34		Page 36	
11:17:04	1 thinks he just doesn't hear a car count? He's not	11:19:40	1 A. It's just by the way, the way it feels as
11:17:08	2 hearing anything?	11:19:46	2 you're moving the cars around. In an operator's
11:17:08	3 MR. NEUER: Form.	11:19:52	3 training he brakes throughout the process of stopping.
11:17:12	4 A. Yes.	11:20:00	4 Brakes and advances his throttle to keep or maintain a
11:17:12	5 Q (BY MR. COLLINS) Okay. When would it be	11:20:04	5 constant speed.
11:17:14	6 proper for him to stop?	11:20:56	6 Q. Did you take the pictures?
11:17:16	7 A. At or before half the distance.	11:21:00	7 A. No.
11:17:20	8 Q. Okay. Can he keep -- can the operator keep	11:21:00	8 Q. Do you know who took pictures at the accident
11:17:22	9 track of half the distance or does he have to be told	11:21:02	9 scene?
11:17:26	10 what half the distance is?	11:21:02	10 A. No, I don't.
11:17:30	11 MR. NEUER: Form.	11:21:12	11 Q. Is there any -- on the ladder track is there
11:17:30	12 Q. (BY MR. COLLINS) I mean, is there a way for	11:21:16	12 any markers on there to help you determine distance or
11:17:32	13 him to determine he's moved half the distance	11:21:22	13 what point something is stopped or anything? Like the
11:17:36	14 independently of what he's being told on the radio?	11:21:26	14 equivalent I would have is like a mile marker on the
11:17:38	15 A. Yeah, just by watching outside the window of	11:21:28	15 freeway, is there any kind of markers on there?
11:17:42	16 the locomotive he knows approximately how far a car	11:21:50	16 A. No, sir.
11:17:42	17 length is.	11:21:50	17 Q. Okay. With particular the cars that were
11:17:48	18 Q. Okay. On a stop -- on a shove of about ten	11:21:52	18 being moved when Alex was injured, do you know where
11:17:52	19 cars, typically the operator would start applying the	11:21:56	19 those cars were -- what was being done with those cars
11:17:58	20 brakes when five cars had been moved, correct?	11:21:58	20 and where they were destined at that point?
11:18:02	21 MR. NEUER: Form.	11:22:06	21 A. No, sir.
11:18:02	22 A. No.	11:22:06	22 Q. What would be the best information to look at
11:18:02	23 Q. (BY MR. COLLINS) When would he typically	11:22:08	23 to determine that?
11:18:04	24 apply the brake?	11:22:10	24 A. It would be a switch list.
11:18:06	25 A. It would depend on too many factors to answer	11:22:14	25 Q. Okay. What on the switch list would tell me?
Page 35		Page 37	
11:18:06	1 that question.	11:22:16	1 A. There would be a note on the -- next to the
11:18:06	2 Q. What factors would it depend on?	11:22:20	2 car number being what classification it was.
11:18:08	3 A. Grade, tonnage, locomotive size.	11:22:20	3 (Plaintiff's Exhibit 5 marked.)
11:18:22	4 Q. At the Deer Park Rail Terminal where this	11:23:00	4 Q. (BY MR. COLLINS) I want to hand you what's
11:18:24	5 accident occurred what's the grade?	11:23:02	5 been marked as Plaintiff's Exhibit Number 5.
11:18:26	6 A. I have no idea.	11:23:06	6 A. Okay.
11:18:30	7 Q. Okay. Do you know what the tonnage of the	11:23:06	7 Q. Can you identify that document for me?
11:18:30	8 cars that were being moved at the time of the accident	11:23:08	8 A. Yes, it's a switch list from Deer Park Rail
11:18:32	9 were?	11:23:12	9 Terminal.
11:18:32	10 A. No, sir.	11:23:14	10 Q. Okay. And how do you know that's a switch
11:18:36	11 Q. And what is the locomotive size?	11:23:14	11 list from Deer Park? I'm going to ask some kind of
11:18:38	12 A. It's a 1500 horsepower switcher.	11:23:18	12 obviously stupid questions right here, but I just want
11:18:52	13 Q. Would Devon Stroud at the time of the accident	11:23:22	13 to make sure I can read this properly. How do you know
11:18:54	14 before he started the move need to know the tonnage	11:23:28	14 it's a switch list from the Deer Park Rail Terminal?
11:18:58	15 before he started the move?	11:23:32	15 A. Because I see the DPRT, Deer Park Rail on top.
11:19:00	16 A. No, sir.	11:23:36	16 Q. And the switch date and report date, that
11:19:04	17 Q. Okay. What about the grade?	11:23:38	17 would be 4-04-05, right?
11:19:04	18 A. He would be familiar with the grade by	11:23:42	18 A. That's correct.
11:19:08	19 operating in that facility. He wouldn't know the	11:23:42	19 Q. And that would be the date which was April
11:19:12	20 degree of grade.	11:23:44	20 4th, '05?
11:19:16	21 Q. Okay. Why wouldn't he need to know the	11:23:46	21 A. Yes, sir.
11:19:18	22 tonnage?	11:23:50	22 Q. Okay. And you go down and it says car number
11:19:20	23 A. There's no way for him to know that.	11:23:52	23 20, it's circled, car -- and in handwriting it's car
11:19:36	24 Q. So, without knowing the tonnage, when does he	11:24:00	24 GATX 040494 was the car that Alex was riding on. Do
11:19:38	25 know to brake?	11:24:06	25 you know who wrote that?

10 (Pages 34 to 37)

Page 38		Page 40	
11:24:08	1 A. I'm not sure.	11:26:12	1 MR. NEUER: Form.
11:24:08	2 Q. You don't recognize that handwriting?	11:26:14	2 A. I don't understand your question.
11:24:10	3 A. No.	11:26:16	3 Q. (BY MR. COLLINS) Okay. If you'll look at car
11:24:10	4 Q. Do you have any reason to dispute that was the	11:26:18	4 number 1 under yard, it's empty?
11:24:12	5 car he was riding on?	11:26:22	5 A. Uh-huh. Yes, sir.
11:24:14	6 A. No.	11:26:24	6 Q. Does that mean the car is supposed to stay
11:24:16	7 Q. Okay. And what is the -- is there any kind of	11:26:26	7 there?
11:24:20	8 classification that lets you know where that car was	11:26:26	8 A. No. That means the car is empty.
11:24:22	9 headed?	11:26:28	9 Q. No, no, no. Number 1, it says yard and
11:24:26	10 A. No, sir, I don't, I don't know exactly what	11:26:32	10 there's nothing written in that column. See that
11:24:28	11 destination 222 is.	11:26:36	11 column at the top?
11:24:30	12 Q. But 222 tells you where -- whether that car is	11:26:38	12 A. Oh, the space is empty.
11:24:36	13 outbound or inbound for storage?	11:26:40	13 Q. Yeah, the space is empty.
11:24:38	14 A. It would be outbound.	11:26:40	14 A. Okay. I thought you meant the car. I'm
11:24:40	15 Q. Okay. It's outbound. Outbound to where?	11:26:42	15 sorry.
11:24:42	16 A. I don't know.	11:26:42	16 Q. I thought I was going crazy.
11:24:44	17 Q. Okay. And where -- what does the designation	11:26:46	17 A. That means at the time that car does not ship
11:24:46	18 GATX stand for?	11:26:48	18 outbound.
11:24:50	19 MR. NEUER: Form.	11:26:48	19 Q. Okay. And, so, that's why there's no track
11:24:50	20 A. That's the prefix of the railcar.	11:26:50	20 destination?
11:24:54	21 Q. (BY MR. COLLINS) Okay. And prefix for the	11:26:52	21 A. That is correct.
11:24:54	22 railcar, is that to depict who owns the railcar?	11:26:52	22 Q. What does the spot destination mean?
11:25:00	23 A. I suppose.	11:26:58	23 A. If that car was to go to spot, but there's
11:25:02	24 Q. Okay. Do you know what GATX stands for, what	11:27:02	24 nothing signified on the switch list.
11:25:06	25 company?	11:27:02	25 Q. I thought I was going crazy for a minute. Do
Page 39		Page 41	
11:25:08	1 A. No, sir.	11:27:02	1 you know --
11:25:08	2 Q. What is -- next column it says CS and it has	11:27:02	2 A. That means at the time that car does not ship
11:25:12	3 PE in it. What does that mean, do you know?	11:27:02	3 outbound.
11:25:16	4 A. I'm not sure what that one is.	11:27:04	4 Q. Okay. And, so, that's why there's no track
11:25:20	5 Q. Next column says LE. has an E in it, do you	11:27:04	5 designation?
11:25:24	6 know what that is?	11:27:04	6 A. That is correct.
11:25:24	7 A. That would be empty.	11:27:04	7 Q. What does the spot designation mean?
11:25:26	8 Q. Empty?	11:27:04	8 A. If that car wants to go to spot, but there's
11:25:26	9 A. Loaded or empty, yes, sir.	11:27:04	9 nothing signified on the switch list.
11:25:28	10 Q. So, if I look up all the way in the column and	11:27:06	10 Q. And what's the spot?
11:25:30	11 these were indeed the cars that were in the line when	11:27:06	11 A. It would be the loading rack spot, the fuel
11:25:34	12 Alex was hurt, all of them were empty, correct?	11:27:10	12 rack spot.
11:25:38	13 A. Yes, sir, that's what the switch list shows.	11:27:12	13 Q. Okay. And then the fleet, ID numbers, GATX
11:25:40	14 Q. Okay. And you don't know the column before,	11:27:16	14 and the business group is GATX, so that's who owns the
11:25:42	15 what the PE or HE stands for?	11:27:18	15 car?
11:25:46	16 A. I'm not sure what that is, no.	11:27:20	16 A. Right.
11:25:46	17 Q. Do you know what that column is supposed to	11:27:20	17 MR. NEUER: Form.
11:25:48	18 tell you, though, as far as CS?	11:27:22	18 Q. (BY MR. COLLINS) Right?
11:25:52	19 A. I'm not sure what CS signifies.	11:27:22	19 A. I suppose.
11:25:56	20 Q. Okay. And the next column over it says yard.	11:27:24	20 Q. And then the last column says U N N A N O, do
11:25:58	21 What is that referring to?	11:27:28	21 you know what that stands for?
11:26:02	22 A. That means Deer Park out.	11:27:30	22 A. Yes, sir, that would be the placard number.
11:26:04	23 Q. Okay. And some of these are empty. Do you	11:27:34	23 Q. Okay. And the placard appears on the car
11:26:08	24 know what that means? If they don't -- they're going	11:27:36	24 itself?
11:26:10	25 to stay there?	11:27:36	25 A. Yes.

11 (Pages 38 to 41)

Page 42	Page 44
<p>11:28:34 1 (Plaintiff's Exhibit 6 marked.)</p> <p>11:28:34 2 Q. (BY MR. COLLINS) I'm going to hand you what's</p> <p>11:28:36 3 been marked as Plaintiff's Exhibit Number. 6. It's</p> <p>11:28:46 4 titled personal injury report signed by David Jones and</p> <p>11:28:52 5 it has a map on the back or a diagram. Do you</p> <p>11:28:58 6 recognize that document?</p> <p>11:29:00 7 A. Yes.</p> <p>11:29:02 8 Q. Okay. When is the first time you saw this</p> <p>11:29:04 9 document?</p> <p>11:29:04 10 A. Yesterday.</p> <p>11:29:06 11 Q. How long did you -- what did you do to prepare</p> <p>11:29:08 12 for your deposition today?</p> <p>11:29:14 13 A. Mr. Neuer prepared a notebook with some of</p> <p>11:29:16 14 these same documents in it.</p> <p>11:29:18 15 Q. Okay. What documents did you look at?</p> <p>11:29:20 16 A. The incident report, the personnel injury</p> <p>11:29:22 17 report, the diagram.</p> <p>11:29:28 18 Q. Okay. Had you looked at these before this</p> <p>11:29:30 19 time?</p> <p>11:29:32 20 A. No.</p> <p>11:29:32 21 Q. Okay. So, since the time of the accident and</p> <p>11:29:36 22 your deposition today you haven't looked at any of the</p> <p>11:29:38 23 reports on this accident?</p> <p>11:29:40 24 A. No.</p> <p>11:29:40 25 Q. Okay. All right. I want you to turn to the</p>	<p>11:31:08 1 there at the time?</p> <p>11:31:10 2 A. That's correct.</p> <p>11:31:12 3 Q. Okay. Do you know how far when that -- before</p> <p>11:31:16 4 they started doing the shove back, how far the train</p> <p>11:31:22 5 moved from this track before it stopped?</p> <p>11:31:28 6 A. Evidently this diagram isn't to scale at all</p> <p>11:31:30 7 I don't have any clue.</p> <p>11:31:32 8 Q. Okay. Do you know where the starting point of</p> <p>11:31:34 9 the move was?</p> <p>11:31:36 10 A. I don't recall the track they came out of, no,</p> <p>11:31:38 11 sir.</p> <p>11:31:40 12 Q. Okay. But, I mean, do you know -- was it</p> <p>11:31:44 13 right at the end of the track that it came out of or</p> <p>11:31:46 14 was it further down the track or do you know?</p> <p>11:31:50 15 A. I don't understand your question.</p> <p>11:31:52 16 Q. Okay. Let's kind of look at this together.</p> <p>11:31:54 17 A. Okay.</p> <p>11:31:54 18 Q. Let's say we came off this first track and</p> <p>11:31:56 19 we're just going to call this track 1 --</p> <p>11:31:56 20 A. Okay.</p> <p>11:32:00 21 Q. -- for the purposes of these questions. So,</p> <p>11:32:02 22 they came on track 1 to the ladder track.</p> <p>11:32:02 23 A. Uh-huh.</p> <p>11:32:04 24 Q. When they pulled these trains off, did it stop</p> <p>11:32:08 25 right there at the end of where track 1 meets the</p>
Page 43	Page 45
<p>11:29:42 1 diagram. Just so I can make sure we understand this,</p> <p>11:29:58 2 the main track going through the middle, do you</p> <p>11:30:00 3 understand that to be what was called the ladder track?</p> <p>11:30:04 4 A. That's correct.</p> <p>11:30:06 5 Q. Okay. And the track that's going off to the</p> <p>11:30:08 6 left, the first one from the bottom of the page, do you</p> <p>11:30:12 7 know what track number that is?</p> <p>11:30:16 8 A. No.</p> <p>11:30:16 9 Q. What about the second track number?</p> <p>11:30:18 10 A. No.</p> <p>11:30:20 11 Q. Okay.</p> <p>11:30:20 12 A. I remember them being down in the area of the</p> <p>11:30:22 13 740s, but I don't remember the exact track.</p> <p>11:30:26 14 Q. Okay. Are all these tracks the same distance</p> <p>11:30:32 15 apart, the ones that go off to the left of the ladder</p> <p>11:30:36 16 track? I mean, is there equal distance between each</p> <p>11:30:38 17 track or does it vary?</p> <p>11:30:40 18 A. I'm not sure.</p> <p>11:30:44 19 Q. Okay. Can you tell me -- first of all, do you</p> <p>11:30:50 20 have an understanding that the cars that were being</p> <p>11:30:54 21 moved had first been pulled off of this first track to</p> <p>11:30:58 22 the left and then pulled on to the ladder track?</p> <p>11:31:02 23 A. I read that in the statement, yes.</p> <p>11:31:04 24 Q. Okay. So, the only information you have is</p> <p>11:31:06 25 from the statement that was made by the people who were</p>	<p>11:32:12 1 ladder track or did it go down here?</p> <p>11:32:14 2 MR. NEUER: Form.</p> <p>11:32:14 3 A. I wasn't there. I have no way of answering</p> <p>11:32:18 4 that how far they went past.</p> <p>11:32:18 5 Q. (BY MR. COLLINS) Do you have any information</p> <p>11:32:18 6 of how far they went? Does anyone have any information</p> <p>11:32:20 7 on that issue?</p> <p>11:32:22 8 MR. NEUER: Form.</p> <p>11:32:22 9 A. I don't.</p> <p>11:32:24 10 Q. (BY MR. COLLINS) Okay. So, the move, there's</p> <p>11:32:28 11 no way to determine where the move started?</p> <p>11:32:32 12 MR. NEUER: Form.</p> <p>11:32:34 13 Q. (BY MR. COLLINS) In which Alex was injured,</p> <p>11:32:36 14 right?</p> <p>11:32:36 15 A. I can't determine that.</p> <p>11:32:38 16 Q. Okay. Do you know anybody else that was able</p> <p>11:32:40 17 to determine that?</p> <p>11:32:42 18 MR. NEUER: Form.</p> <p>11:32:42 19 A. The people on the crew would have known where</p> <p>11:32:44 20 they stopped.</p> <p>11:32:46 21 Q. (BY MR. COLLINS) I'm talking about where they</p> <p>11:32:46 22 started, the exact --</p> <p>11:32:48 23 A. Well, they would have started where they</p> <p>11:32:50 24 stopped.</p> <p>11:32:50 25 Q. Okay. All right. So, the only people that</p>

12 (Pages 42 to 45)

Page 46

11:32:58 1 you know of that would know where -- when they pulled
11:33:04 2 off track 1 and pulled on to the ladder track, where
11:33:06 3 that move stopped, the only people you know who would
11:33:10 4 know that information is the crew?
11:33:10 5 A. That's correct.
11:33:12 6 **MR. NEUER: Form.**
11:33:14 7 Q. (BY MR. COLLINS) Okay.
11:33:14 8 A. The two ground men.
11:33:16 9 Q. Okay. And there's no way of going through any
11:33:18 10 kind of records or recording data or anything to
11:33:22 11 determine where that was?
11:33:24 12 A. No, sir.
11:33:24 13 Q. Okay. Typically is there any kind of general
11:33:30 14 practice where they stop at the end of the rail or do
11:33:32 15 they go down a little further?
11:33:36 16 **MR. NEUER: Form.**
11:33:36 17 A. It depends on, like I mentioned before, the
11:33:38 18 stopping distance depends on speed, tonnage and grade.
11:33:52 19 Q. (BY MR. COLLINS) Okay. So, likewise, there's
11:33:54 20 no way to determine exactly where the shove started
11:33:58 21 where Alex was injured?
11:34:02 22 A. Correct.
11:34:02 23 Q. Okay. There's no possible way to even try to
11:34:04 24 figure it out as far as you're concerned, right?
11:34:04 25 A. No, sir.

Page 47

11:34:08 1 **MR. NEUER: Form.**
11:34:10 2 Q. (BY MR. COLLINS) Okay. Except by the
11:34:10 3 testimony of people who were actually there?
11:34:14 4 A. That's correct.
11:34:18 5 Q. Okay. Did you draw this diagram?
11:34:20 6 A. No.
11:34:34 7 Q. Okay. I just want to make sure I'm clear.
11:34:36 8 Number 5 has an arrow going in there and it says SW
11:34:40 9 list?
11:34:40 10 A. I believe that would be switch list.
11:34:42 11 Q. And that would have been the switch list
11:34:46 12 someone would have been carrying that was found on the
11:34:48 13 ground after the accident, right?
11:34:50 14 A. That's correct.
11:34:50 15 Q. Okay.
11:36:14 16 **MR. COLLINS: We can go off the record**
11:36:14 17 **for a minute.**
11:36:16 18 **THE VIDEOGRAPHER: It's 11:36, we're off**
11:36:20 19 **the record.**
11:39:38 20 **(Brief recess.)**
11:39:38 21 **THE VIDEOGRAPHER: Back on the record at**
11:39:42 22 **11:39.**
11:39:44 23 Q. (BY MR. COLLINS) Okay. I want to turn back
11:39:46 24 to Plaintiff's Exhibit Number 6. Is there anything on
11:39:50 25 this diagram that tells me how far the first car -- the

Page 48

11:39:56 1 end of the move which would have been the car Alex was
11:40:00 2 on was from track 1, what we've described as track 1?
11:40:06 3 **MR. NEUER: Form.**
11:40:06 4 A. No, sir.
11:40:08 5 Q. (BY MR. COLLINS) Okay. So, no one measured
11:40:08 6 that distance as far as you can tell?
11:40:10 7 A. Not that I'm aware of.
11:40:16 8 Q. Okay. Also, if Devon Stroud, you know, they
11:40:20 9 started the shove and they were moving cars, if he
11:40:24 10 braked at three cars, he was already into the shove
11:40:28 11 three cars, would that be able to -- would that last
11:40:32 12 car stop on a dime or would there still be some
11:40:36 13 movement after the initial braking?
11:40:38 14 A. There would still be some movement.
11:40:40 15 Q. Okay. And how much movement would depend on
11:40:42 16 how hard he braked and how much he was -- how fast he
11:40:46 17 was going and the tonnage and the grade?
11:40:50 18 A. Yes, sir.
11:40:50 19 Q. Right? Which we don't have any indication of
11:40:52 20 how fast Devon Stroud was moving, right?
11:40:56 21 A. No, sir.
11:40:56 22 Q. Okay. And we don't have any indication except
11:40:58 23 what testimony he may offer in this on how hard he
11:41:04 24 braked?
11:41:06 25 A. Correct.

Page 49

11:41:06 1 Q. Because there's degrees in which you can
11:41:08 2 brake, right?
11:41:10 3 A. Yes, sir, it's from zero to generally about 35
11:41:12 4 pounds of pressure.
11:41:18 5 Q. Okay. All right. Was there any indication
11:41:24 6 that any of the hand brakes were applied to any of the
11:41:30 7 cars that were involved in the move in which Alex was
11:41:34 8 injured?
11:41:34 9 A. Not that I'm aware of.
11:41:36 10 Q. Okay. And, in fact, if you're doing -- if
11:41:38 11 someone is doing a shove at the Deer Park Rail
11:41:44 12 Terminal, hand brakes are not supposed to be set on the
11:41:48 13 cars, correct?
11:41:48 14 A. As they're moving, no, sir.
11:41:50 15 Q. Okay. That's right. So, if you start a
11:41:52 16 shove, all the hand brakes are supposed to be off,
11:41:56 17 right?
11:41:56 18 A. That's correct.
11:42:02 19 **MR. COLLINS: Okay. I pass the witness.**
11:42:04 20 **MR. NEUER: We will reserve our**
11:42:06 21 **questions.**
11:42:06 22 **THE VIDEOGRAPHER: It's 11:42, we're off**
11:42:10 23 **the record.**
24
25

Page 50		Page 52	
1	CHANGES AND SIGNATURE	1	CAUSE NO. 2005-38821
2		2	ALEJANDRO BENAVIDEZ) IN THE DISTRICT COURT OF
3	PAGE LINE CHANGE REASON	3)
4		4	VS.) HARRIS COUNTY, TEXAS
5		5)
6		6)
7		7	RAILSERVE, INC.) 234TH JUDICIAL DISTRICT
8		8	REPORTER'S CERTIFICATION
9		9	DEPOSITION OF JAMES ORMS
10		10	January 18, 2006
11		11	I, Jeanne C. Pearl, Certified Shorthand Reporter
12		12	in and for the State of Texas, hereby certify to the
13		13	following
14		14	That the witness, JAMES ORMS, was duly sworn by
15		15	the officer and that the transcript of the oral
16		16	deposition is a true record of the testimony given by
17		17	the witness,
18		18	That the deposition transcript was submitted on
19		19	, to the witness or to the attorney
20		20	for the witness for examination, signature and return
21		21	to me by ;
22		22	That the amount of time used by each party at the
23		23	deposition is as follows:
24		24	Mr. Wayne D Collins - 1 HR: 1 MIN
25		25	That pursuant to information given to the
			deposition officer at the time said testimony was
			taken, the following includes counsel for all parties
Page 51		Page 53	
1	I, JAMES ORMS, have read the foregoing deposition	1	of record:
2	and hereby affix my signature that same is true and	2	
3	correct, except as noted above.	3	Mr. Wayne D. Collins, Attorney for Plaintiff;
4		4	Mr. Raymond A. Neuer, Attorney for Defendant.
5	JAMES ORMS	5	
6		6	I further certify that I am neither counsel for,
7	THE STATE OF)	7	related to, nor employed by any of the parties or
8	COUNTY OF)	8	attorneys in the action in which this proceeding was
9		9	taken, and further that I am not financially or
10	Before me, , on this day	10	otherwise interested in the outcome of the action.
11	personally appeared JAMES ORMS, known to me (or proved	11	Further certification requirements pursuant to
12	to me under oath or through) (description of	12	Rule 203 of TRCP will be certified to after they have
13	identity card or other document)) to be the person	13	occurred.
14	whose name is subscribed to the foregoing instrument	14	Certified to by me this 24th day of January,
15	and acknowledged to me that they executed the same for	15	2006.
16	the purposes and consideration therein expressed.	16	
17		17	
18	Given under my hand and seal of office	18	JEANNE C. PEARL, Texas CSR 456
19	this day of , 2006.	19	Expiration: 12/31/06
20		20	LEGALINK - HOUSTON
21	NOTARY PUBLIC IN AND FOR	21	Firm Registration Number 210
22	THE STATE OF TEXAS	22	1235 North Loop West, Suite 510
23		23	Houston, Texas 77008
24		24	(713) 426-0400
25		25	

14 (Pages 50 to 53)

Page 54

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2

3 The original deposition was/was not returned to
4 the deposition officer on ;

5 If returned, the attached Changes and Signature
6 page contains any changes and the reasons therefor;

7 If returned, the original deposition was delivered
8 to , Custodial Attorney;

9 That S is the deposition officer's
10 charges to the Custodial Attorney for preparing the
11 original deposition transcript and any copies of
12 exhibits;

13 That the deposition was delivered in accordance
14 with Rule 203.3, and that a copy of this certificate
15 was served on all parties shown herein on and filed
16 with the Clerk.

17 Certified to by me this day of ,
18 2006.

19

20

21

22 JEANNE C. PEARL, Texas CSR 456
Expiration Date: 12/31/06

23 LEGALINK - HOUSTON

Firm Registration Number 210

24 1235 North Loop West, Suite 510

Houston, Texas 77008

25 (713) 426-0400

15 (Page 54)